

### **Remarks**

Claims 1-14 are pending in the application and are presented for reconsideration. Claims 1-4 and 9-14 have been amended; claims 5-8 remain in the application unchanged. No new matter has been added.

### ***Drawings***

1. The drawing figure 2 is objected to as failing to comply with 37 C.F.R. § 1.83(a) because the Examiner states that it fails to show the structure of the hooks 35a, 35b engaging the concentric ring 5a of the shade and the structures of the hooks engaging and springably slipped over the opening concentric ring 5b as described in the specification.

FIG. 2 has been amended to show the hooks 35a, 35b butted up against and thereby engaging, the ring 5a. FIG. 2 has also been amended to show the hooks 32a, 32b engaging and springably slipped over the opening concentric ring 5b. The Applicant respectfully submits that the objection to the drawing figure 2 is now overcome.

2. The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they do not include the reference character (112) mentioned in the description.

FIGS. 5A and 5B been amended to add screw 112. Support for this amendment may be found in the specification at page 9, line 17. The Applicant respectfully submits that this objection is now overcome.

3. The drawings are objected to as failing to comply with 37 C.F.R. § 1.83(a). The Examiner states that the features of "a plurality of ribs and flexible material attached to the ribs" and "a clamp which clamps at least a portion of said a socket assembly which comprises said threaded light bulb socket" are not shown in the drawing. New FIG. 5C now shows the lamp shade 5 mounted on the lantern lock 100. The lamp shade 5 is shown as having a plurality of ribs 5c

and flexible material 5d mounted thereon. New FIGS. 5D and 5E now show the clamp 110 as clamping the socket 104. The Applicant respectfully submits that these objections to the drawings are now overcome.

### ***Specification***

The specification has been amended to reference the newly added drawing figures 5C, 5D, and 5E. Support for the addition of the drawings and newly referenced drawing material in the specification is found in the specification at least at page 9, lines 18-20.

### ***Claims Status***

Claim 4 is objected to because the language "at least one extension arm having a first end attached to ... said socket assembly base" is now what is shown in drawing figure 1A. Correction is required.

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Babineaux (U.S. Pat. No. 5,893,636).

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Noguchi.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being anticipated by Babineaux in view of Moser.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being anticipated by Babineaux in view of Noguchi.

Claims 6-14 are allowed.

The Examiner's rejections of claims 1-5 are respectfully traversed.

### **1. Response to Objections to Claims**

Claim 4 is objected to because the language "at least one extension arm having a first end attached to ... said socket assembly base" is now what is shown in drawing figure 1A. Correction is required.

Claim 4 has been amended to recite "at least one extension arm respectively having a first end attached to and respectively extending from said at least one hook".

The Applicant respectfully submits that the objection to claim 4 is now overcome.

## **2. Response to Rejections of Claims Under 35 U.S.C. § 102**

### ***Legal standard for Rejecting Claims Under 35 U.S.C. §102***

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987).

#### ***a. Claims 1-5***

Claim 1 has been amended to more particularly point out the Applicant's invention. Specifically, Applicant's amended claim 1 recites:

A lantern lock, comprising:  
a socket assembly comprising a base, a threaded light bulb socket attached to said base, and a power cord electrically attached to said socket;  
a mounting stud attached to said socket assembly, said mounting stud configured to be mountable in a griphead; and  
a spreading frame fixedly attached to said mounting stud, said spreading frame for holding a light shade in a fixed position.

#### ***The Babineaux Reference***

The Examiner cites Babineaux as anticipating claim 1. In particular, the Examiner seeks to equate Babineaux's junction box 34 with the Applicant's recited "base", Babineaux's figure 3, the socket between 34 and 13 with the Applicant's recited "threaded light bulb socket", Babineaux's power cord 15 with the Applicant's power cord, Babineaux's handle 14 with the Applicant's "mounting stud for holding a light shade in a fixed position", and Babineaux's 20 with the Applicant's "lantern shade".

However, Babineaux does not teach or suggest "a mounting stud attached to said socket assembly, said mounting stud configured to be mountable in a griphead" as required by Applicant's claim 1. The Examiner seeks to equate Babineaux's "handle 14" with the mounting stud of the Applicant's invention. However, this equivalence cannot stand. Babineaux's handle 14 allows hand-held use of the lighting fixture, as described in Babineaux, col. 1, lines 14-15. Babineaux does not include any description of the handle; thus it cannot be ascertained from Babineaux that the handle 14 is "configured to be mountable in a griphead" as required by Applicant's claim 1. It is well known that the mere absence from a reference of an explicit requirement of the claim cannot reasonably construed as an affirmative statement that the requirement is in the reference. *In re Evanega*, 829 F.2d 1110, 4 USPQ2d 1249 (Fed. Cir. 1987). Accordingly, since Babineaux does not teach or suggest that the handle 14 is configured to be mountable in a griphead, Babineaux's handle 14 cannot be equated with the Applicant's recited "mounting stud configured to be mountable in a griphead".

Since Babineaux does not meet each and every limitation of Applicant's claim 1, per *Verdegaal Bros., Inc., supra*, Babineaux therefore cannot be used in formulating an anticipation rejection under 35 U.S.C. § 102.

***The Noguchi Reference***

The Examiner cites Noguchi as anticipating claim 1. In particular, the Examiner seeks to equate Noguchi's cross piece 52 with the Applicant's recited "base", Noguchi's lamp socket 43 with the Applicant's recited "threaded light bulb socket", Noguchi's power cord 28 with the Applicant's power cord, Noguchi's pipe 29 and pole 46 with the Applicant's "mounting stud for holding a light shade in a fixed position", and Noguchi's 49, 50, 51, 52, 53, and 56 with the Applicant's "spreading frame".

However, Noguchi also does not teach or suggest "a mounting stud attached to said socket assembly, said mounting stud configured to be mountable in a griphead" as required by Applicant's claim 1. The Examiner

seeks to equate Noguchi's pipe 29 and pole 46 with the mounting stud of the Applicant's invention. However, this equivalence cannot stand. Noguchi's pipe 29 is used to align and attach the lamp socket 26 to the mounting plate 18. As described in Noguchi, col. 3, lines 27-34, a circular nut 34 received on pipe 29 acts to tighten the lamp socket and harp strip in place. As with Babineaux, Noguchi also does not include any description of the pipe; thus it cannot be ascertained from Noguchi that the pipe 29 is "configured to be mountable in a griphead" as required by Applicant's claim 1. Furthermore, the pole 46 is used to elevate the lamp socket 43 above the mounting plate 45 to allow the lamp socket 43 to occupy a position within the mid-section of the lantern. Noguchi does not include any description of the pole, other than that it is threaded on the lower end; thus it cannot be ascertained from Noguchi that the pole 46 is "configured to be mountable in a griphead" as required by Applicant's claim 1. Per *In re Evanega, supra*, the absence from Noguchi of the explicit requirement of claim 1 that the mounting stud is "configured to mountable in a griphead" therefore cannot reasonably construed as an affirmative statement that the requirement is in the reference. Accordingly, since Noguchi does not teach or suggest that the the pipe 29 and/or pole 46 is configured to be mountable in a griphead, Noguchi's pipe 29 and/or pole 46 cannot be equated with the Applicant's recited "mounting stud configured to be mountable in a griphead".

Since Noguchi does not meet each and every limitation of Applicant's claim 1, per *Verdegaal Bros., Inc., supra*, Noguchi therefore cannot be used in formulating an anticipation rejection under 35 U.S.C. § 102.

### ***Summary***

Accordingly, in view of the above, neither Babineaux nor Noguchi, taken either alone or in any combination, meets each and every limitation of Applicant's claim 1. Per *Verdegaal Bros., Inc., supra*, therefore neither Babineaux nor Noguchi can be used in formulating an anticipation rejection under 35 U.S.C. § 102. Furthermore, since neither Babineaux nor Noguchi, nor any of the other prior art of record, taken in any combination, teach the essential limitations "a

mounting stud attached to said socket assembly, said mounting stud configured to be mountable in a griphead", Babineaux, Noguchi, and the other prior art of record cannot even be combined to formulate an obvious-type rejection under 35 U.S.C. § 103. Accordingly, Applicant respectfully submits that the 35 U.S.C. § 102 rejection of claim 1 should be withdrawn and that claim 1 is now in position for allowance.


Claims 2-5 each depend from independent base claim 1 and add further limitations. For at least the same reasons that Claim 1 is not shown, taught, or disclosed by the cited references, Claims 2-5 are likewise not shown, taught, or disclosed. Thus, Applicant respectfully submits that the rejection of claims 2-5 should be withdrawn.

**Conclusion**

In view of the foregoing remarks, it is respectfully submitted that none of the references cited by the Examiner taken alone or in any combination shows, teaches, or discloses the claimed invention, and that Claims 1-14 are in condition for allowance. Reexamination and reconsideration are respectfully requested.

Should the Examiner have any questions regarding this amendment, or should the Examiner believe that it would further prosecution of this application, the Examiner is invited to call the undersigned.

Respectfully submitted,



January 5, 2005

Jessica Costa, Reg. No. 41,065

The Law Offices of Jessica Costa, PC  
P.O. Box 460 Crozet, VA  
22932-0460  
(434) 823-2232  
(434) 823-2242 (fax)

**Amendments to Drawings**

The attached sheets of drawings include changes to FIGS. 2, 5A, and 5B. These sheets, which include FIGS. 2, 5A, and 5B, replace the original sheets including FIGS. 2, 5A, and 5B. The attached sheets of drawings also include new FIGS. 5C, 5D, and 5E.

**Attachments:**

Replacement Sheet including FIG. 2

Replacement Sheet including FIGS. 5A, 5B

New Drawing Sheet including FIG. 5C

New Drawing Sheet including FIGS. 5D, 5E